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DOCUMENT ID: 173233957
INQNO: GSCAN1D 00501012
DOCNO:
PRODUCER:
SOURCE: STATE
DOCTYPE:
DOR: 19830202
TOR: 22560000
DOCPREC: R
ORIGDATE: 198302022256
DOCCLASS: C

NAZI WAR CRIMES DISCLOSURE ACT
2000

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ZNY CCCCC ZZH
P 021731Z FEB 83
FM AMEMBASSY LA PAZ
TO RUEHC/SECSTATE WASHDC PRIORITY 4654
INFO RUFHOL/AMEMBASSY BONN 0243
RUFHFR/AMEMBASSY PARIS 0737
RUEKJCS/DIA WASHDC
RULPALJ/USCINCSO QUARRY HTS PN//J2//INTAFF//SCJ2-PLOPS
RUEHDT/USMISSION USUN NEW YORK 1054
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EZ2:

TEXT
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DIA FOR IR BRANCH; USCINCSO ALSO FOR POLAD
STATE FOR ARA/AND, L/LEI
E.O. 12356: DECL: 2/2/89
TAGS: PGOV, PINR, BL, GW, FR
SUBJECT: KLAUS ALTMAN BARBIE REMAINS IN JAIL
REFS: A) LA PAZ 577, B) STATE 16700, C) 82 LA PAZ 7441
D) 82 LA PAZ 6355, E) 82 LA PAZ 5026

1. (C - ENTIRE TEXT)
2. SUMMARY: ALTHOUGH NAZI WAR CRIMINAL KLAUS ALTMAN BARBIE REMAINS IN JAIL, THERE IS CONSIDERABLE DOUBT AS TO WHETHER HE WILL STAY THERE. THE LACK OF EN-THUSIASM ON THE PART OF THE FEDERAL REPUBLIC OF GERMANY (FRG) TO ASSIST IN AN EXPULSION HAS PUT THE GOB IN A BIND. ALTHOUGH THE FRENCH EMBASSY IS AWAITING THE ARRIVAL OF A NEW EXTRADITION REQUEST FROM THE GOF, IT IS POSSIBLE THAT A RULING ON EXTRA-DITION FROM THE BOLIVIAN SUPREME COURT WILL BE

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NEGATIVE FOR THE SAME REASONS THAT THE 1974 REQUEST WAS DENIED. MEANWHILE THE GOB IS SUBJECT TO THE NATIONAL AND INTERNATIONAL DISSATISFACTION THAT THE RELEASE AND DISSAPPEARANCE OF ALTMAN WOULD PRECIPITATE. END SUMMARY.

3. **KLAUS ALTMAN BARBIE** REMAINS IN A LA PAZ JAIL. WHILE HE HAS APPARENTLY PAID THE MINOR DEBT HE OWNED TO THE STATE MINING COMPANY (COMIBOL) WHICH OCCASIONED HIS ARREST, THE AUTHORITIES SEEM TO BE HOLDING HIM ON THE CHARGE OF BEING INVOLVED WITH PARAMILITARIES AND NARCOTICS TRAFFICKERS AS INDICATED IN REF A. HOWEVER, IN A CONVERSATION WITH EMBOFF ON FEBRUARY 1, THE GERMAN CHARGE, WALTER EICKHOFF DECLARED THAT HE IS DUBIOUS THAT THE GOB WILL CONTINUE TO HOLD HIM. WHILE EICKHOFF BELIEVES THAT THE BOLIVIANS ARE RELUCTANT TO RELEASE ALTMAN GIVEN THE UNFAVORABLE PUBLICITY WHICH MIGHT RESULT, HE ALSO DOES NOT FEEL THAT THE GOB WANTS TO EXPEL ALTMAN AND SAYS THAT THE MINISTER OF INTERIOR SEEMS TO BE DRAGGING HIS FEET, TELLING THE GERMANS AND THE FRENCH THAT AN EXPULSION WOULD BE DIFFICULT NOW. ON THE OTHER HAND, THE GERMAN EMBASSY HAS TOLD THE GOB THAT IF ALTMAN IS EXPELLED, THEY WOULD NOT BE ABLE TO FURNISH ESCORTS AND THAT THE GOB WOULD HAVE TO MAKE ALL ARRANGEMENTS FROM START TO FINISH.

4. THE FRENCH EMBASSY IS EXPECTING A REQUEST FOR EXTRADITION TO ARRIVE BY POUCH. FRENCH DCM PIERRE VIAUX HAS INDICATED TO US HIS FEAR THAT IF ALTMAN IS RELEASED, HE WILL GO INTO HIDING RATHER THAN RISK EXPULSION.

5. SHOULD AN EXPULSION ATTEMPT FAIL, FEW BELIEVE THAT BOLIVIA'S SUPREME COURT WILL EXTRADITE HIM. ON JANUARY 28 THE CASE WAS ASSIGNED TO A MEMBER OF THE SUPREME COURT. UNDER NORMAL PROCEEDINGS AND WITHOUT POSTPONEMENTS, THE JUSTICE SHOULD FINISH HIS REVIEW OF THE CASE INCLUDING THE ELABORATION OF A VERDICT WITHIN 15 TO 30 DAYS. HOWEVER, APPARENTLY ALTMAN'S LAWYER, WHO IS CONSIDERED QUITE COMPETENT, IS, WE ARE TOLD, TRYING TO OBFUSCATE THE ISSUES AND GAIN POSTPONEMENTS. THE LAWYER HAS ALREADY TRIED TO PROVOKE MILITARY DISPLEASURE BY PUBLICLY CLAIMING THE FRENCH REQUEST IS BEING PROMOTED BY REGIS DEBRAY.

6. IT IS BELIEVED BY KNOWLEDGEABLE SOURCES IN LA PAZ THAT THE GERMAN EXTRADITION REQUEST WILL FAIL FOR THE SAME REASON THAT THE FRENCH EXTRADITION REQUEST FAILED IN 1974: I.E., (1) ALTMAN IS A NATURALIZED BOLIVIAN CITIZEN; (2) UNDER BOLIVIAN LAW THE STATUTE OF LIMITATIONS ON HIS CRIMES HAS RUN OUT, AND; (3) THERE IS NO EXTRADITION TREATY BETWEEN THE TWO COUNTRIES. (THE TREATY MENTIONED IN THE JANUARY 16 NEW YORK TIMES ARTICLE REFERRED TO IN REF B IS THE MONTEVIDEO INTER-ANY IS NOT A PARTY.)

7. IN RESPONSE TO THE QUESTIONS IN REF B, AS INDICATED IN THE NEW YORK TIMES ARTICLE, THE BOLIVIAN PUBLIC PROSECUTOR, HERNANDO ACHA SILES, HAS REQUESTED THAT THE BOLIVIAN SUPREME COURT AGREE TO THE EXTRADITION OF **KLAUS ALTMAN BARBIE**. HOWEVER, THERE ARE

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WIDELY DIFFERING VIEWS ON THE INFLUENCE THAT THE PUBLIC PROSECUTOR HAS AND, WHILE THE OFFICE ITSELF SHOULD BE IMPORTANT, IT IS DOUBTFUL IF HE WILL HAVE SIGNIFICANT INFLUENCE IN THIS CASE. IT IS NOT EVEN CERTAIN THAT HE REFLECTS THE VIEWS OF THE EXECUTIVE SINCE HE IS SUPPOSED TO BE COMPLETELY INDEPENDENT AND OWES HIS APPOINTMENT MORE TO THE CONGRESS THAN TO THE PRESIDENT.

8. COMMENT: THE GOB SEEMS TO BE CAUGHT IN A BIND ON THIS CASE. IF THE GERMANS HAD BEEN WILLING TO HELP THE GOB LAST WEEK WHEN THE MINISTER OF INTERIOR EXPRESSED HIS DESIRE TO PUT ALTMAN ON THE FIRST AVAILABLE LUFTHANSA FLIGHT OUT (REF A) IT WOULD ALL HAVE BEEN RESOLVED. CLEARLY THE FRG IS LESS THAN ENTHUSIASTIC AT THE PROSPECT OF RECEIVING HIM AND MAY HAVE TO BE HANDED A FAIT ACCOMPLI BEFORE THEY WILL ACCEPT HIM. ONLY FRANCE SEEMS REALLY INTERESTED IN TAKING HIM AND AN EXPULSION TO FRANCE WOULD BE DIFFICULT FOR THE GOB SINCE ALTMAN HAS NEVER BEEN A CITIZEN OF THAT COUNTRY. HOWEVER, THE LONGER IT TAKES TO GET HIM OUT, THE MORE OPPORTUNITY HE OR HIS LAWYER WILL HAVE TO MAKE OTHER ARRANGEMENTS--INCLUDING HIS RELEASE AND DISAPPEARANCE. IF THAT HAPPENS, THE GOB, WHICH HAS ALREADY BEEN SHARPLY CRITICIZED BY THE MOVEMENT OF THE REVOLUTIONARY LEFT (MIR) (WHICH RECENTLY WITHDREW SIX MEMBERS FROM THE GOB CABINET) FOR FAILING TO TAKE ANTI-NARCOTICS AND ANTI-PARAMILITARY ACTION, MAY COME UNDER INCREASING ATTACK. DRAFTED BY MARY JEANNE REID MARTZ. CORR

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